

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:20-CV-631-FL

JOHN T. COLEY,

Plaintiff,

v.

DURHAM VA MEDICAL CENTER,

Defendant.

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ORDER


This matter is before the court for review of plaintiff's pro se complaint (DE 1) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Brian S. Meyers entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended that this action be transferred to the United States District Court for the Middle District of North Carolina. (DE 12). Plaintiff filed response to M&R, indicating that he agrees with the magistrate judge's recommendation. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends that this action be transferred to the United States District Court for the Middle District of North Carolina pursuant to 28 U.S.C. § 1406(a). Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the court DIRECTS the clerk of court to TRANSFER this action to the United States District Court for the Middle District of North Carolina.

The court has not conducted any frivolity review and has not ruled on any pending motions. The United States District Court for the Middle District of North Carolina is better positioned to address those issues.

SO ORDERED, this the 21st day of June, 2021.



LOUISE W. FLANAGAN
United States District Judge